

ce

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JAN 23 AM 11:01

UNITED STATES OF AMERICA,

Plaintiff,

v.

Fernando NAVARRO-Herrera,

Defendant

Magistrate Docket No.

'08 MJ 0243

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **January 25, 2008** within the Southern District of California, defendant, **Fernando NAVARRO-Herrera**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **JANUARY** **2008**.



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

cr

CONTINUATION OF COMPLAINT:

Fernando NAVARRO-Herrera

PROBABLE CAUSE STATEMENT

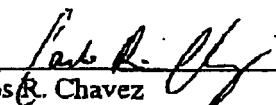
I declare under the penalty of perjury that the following statement is true and correct:

On Friday, January 25, 2008, Border Patrol Agent C. Wiggins was assigned to line watch duties in the Boulevard Border Patrol Area of Operations. At approximately 3:30 a.m. Border Patrol Agent G. Rivera, who was operating an infrared scope, notified Agent Wiggins that he had observed a group of approximately ten individuals walking northbound near an area known as "Hagen's Ranch", located off of Jewel Valley Road in Boulevard, California. This area is located approximately 20 miles east of the Tecate, California Port of Entry and approximately three miles north of the United States/Mexico International Boundary.

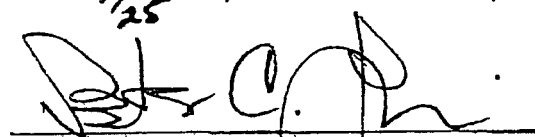
Agent Wiggins exited his patrol vehicle and walked towards the area where Agent Rivera saw the group. Agent Wiggins then came across nine individuals lying on the ground in an attempt to conceal themselves. Agent Wiggins identified himself as a United States Border Patrol Agent and questioned the individuals as to their citizenship and nationality, in the Spanish Language. Each of the individuals, including one who was later identified as the defendant **Fernando NAVARRO-Herrera**, stated that they were citizens of "Mexico". Agent Wiggins then further questioned each of the individuals to see if they were in possession of any immigration documents that would allow them to enter or remain in the United States legally. Each individual responded "No". At approximately 3:45 a.m., Agent Wiggins placed each individual, including the defendant, under arrest and had them transported to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on August 23, 2007 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on January 26, 2008 at 10:00 a.m.


 Carlos R. Chavez
 Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 24, 2008, in violation of Title 8, United States Code, Section 1326.


 Peter C. Lewis
 United States Magistrate Judge

1-26-08 @ 2:51 pm
 Date/Time